



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/723,603

11/26/2003

Ayako Kobayashi

245902US2

8682

22850

7590

02/06/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, ALLEN H

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

02/06/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/723,603 | <b>Applicant(s)</b><br>KOBAYASHI, AYAKO |  |
|                              | <b>Examiner</b><br>Allen H. Nguyen   | <b>Art Unit</b><br>2625                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/26/2008 and 10/09/2008</u> .                               | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

- This office action is responsive to the following communication:  
Amendment filed on 11/04/2008.
- Claims 1, 3-7, 9-24 are currently pending in the application.

### ***Response to Arguments***

1. Applicant's arguments filed 11/04/2008 have been fully considered but they are not persuasive.
2. With respect to applicant's argument that "Takeo does not describe that it is determined whether or not the peripheral device exists, and if the peripheral device exists, a positive output is produced, and if the peripheral device does not exist, an abnormal value is produced".

In reply: Regarding claim 1, Takeo '707 does not explicitly show an examining unit configured to examine said hardware resource and determine whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination; the examining unit being executed prior to execution of the program; an activating unit configured to activate the examining unit prior to the execution of the program and, in response to the positive determination activate said program.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Isshiki '384. In particular, Isshiki '384 teaches an examining

Art Unit: 2625

unit (CPU 1, fig. 2) configured to examine said hardware resource (i.e., The CPU 1 controls access to various devices connected to a system bus 5 on the basis of a control program stored in the program ROM 2A or a control program which is stored in a hard disk (HD) 3 and loaded onto a RAM 4 in activation; Page 3, para [0045], fig. 2) and determine whether said hardware resource exists (i.e., the task activates a hardware check program to check whether hardware is abnormal; Page 3, para [0068]), and output, in response to a positive determination (i.e., hardware exists, the task initializes various devices; Page 4, para [0070]), a normal value and output, in response to a negative determination, an abnormal value as the result of the examination (i.e., the task shifts to step S504 to display abnormal hardware, and ends a series of processes; Page 3, para [0069]); the examining unit being executed prior to execution of the program (i.e., the task causes the basic OS activated in step S507 to generate and activate application tasks; Page 4, para [0072], fig. 5);

an activating unit (the boot processing task, page 3, para [0068]) configured to activate the examining unit prior to the execution of the program and, in response to the positive determination activate said program (i.e., the task initializes various devices on the main body 1000 and the task executes various initialization operations of a basic OS which will run on the CPU 1, and activates the basic OS program; Page 4, para [0070] - [0072], fig. 5).

In view of the above, having the system of Takeo and then given the well-established teaching of Isshiki, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the

Art Unit: 2625

system of Takeo as taught by Isshiki to include: an examining unit configured to examine said hardware resource and determine whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination; the examining unit being executed prior to execution of the program; an activating unit configured to activate the examining unit prior to the execution of the program and, in response to the positive determination activate said program, since the modification would ensure activating unit can efficiently check the hardware status and activate only programs that fit the image forming apparatus.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-7, 9-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeo et al. (US 7,126,707) in view of Isshiki (US 2002/0118384).

Regarding claim 1, Takeo '707 discloses an image forming apparatus (Fig. 1), comprising:

Art Unit: 2625

a hardware resource (Fig. 2);  
a program (processing programs, fig. 17);  
a configuration unit (Fig. 2) configured to store identification of the program and identification of the examining unit correspondingly on a one-to-one basis (i.e., a scanner engine 3 is controlled by the controller 1; Col. 4, line 11, fig. 1).

Takeo '707 does not explicitly show an examining unit configured to examine said hardware resource and determine whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination; the examining unit being executed prior to execution of the program; an activating unit configured to activate the examining unit prior to the execution of the program and, in response to the positive determination activate said program.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Isshiki '384. In particular, Isshiki '384 teaches an examining unit (CPU 1, fig. 2) configured to examine said hardware resource (i.e., The CPU 1 controls access to various devices connected to a system bus 5 on the basis of a control program stored in the program ROM 2A or a control program which is stored in a hard disk (HD) 3 and loaded onto a RAM 4 in activation; Page 3, para [0045], fig. 2) and determine whether said hardware resource exists (i.e., the task activates a hardware check program to check whether hardware is abnormal; Page 3, para [0068]), and output, in response to a positive determination (i.e.,

Art Unit: 2625

hardware exists, the task initializes various devices; Page 4, para [0070]), a normal value and output, in response to a negative determination, an abnormal value as the result of the examination (i.e., the task shifts to step S504 to display abnormal hardware, and ends a series of processes; Page 3, para [0069]); the examining unit being executed prior to execution of the program (i.e., the task causes the basic OS activated in step S507 to generate and activate application tasks; Page 4, para [0072], fig. 5);

an activating unit (the boot processing task, page 3, para [0068]) configured to activate the examining unit prior to the execution of the program and, in response to the positive determination activate said program (i.e., the task initializes various devices on the main body 1000 and the task executes various initialization operations of a basic OS which will run on the CPU 1, and activates the basic OS program; Page 4, para [0070] - [0072], fig. 5).

In view of the above, having the system of Takeo and then given the well-established teaching of Isshiki, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Takeo as taught by Isshiki to include: an examining unit configured to examine said hardware resource and determine whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination; the examining unit being executed prior to execution of the program; an activating unit configured to activate the examining unit prior to the execution of the program and, in response to the positive determination activate

Art Unit: 2625

said program, since the modification would ensure activating unit can efficiently check the hardware status and activate only programs that fit the image forming apparatus.

Regarding claim 3, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said configuration unit (Fig. 2) configures a one-to-"n" (n: an integer more than 1) relation between said examining unit and a plurality of said programs (i.e., a view showing a memory map of a memory medium storing various data processing programs readable by a print system in which a print control apparatus is adaptable; Col. 25, lines 60-65, fig. 17).

Regarding claim 4, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said configuration unit (Fig. 2) configures an "n"-to-one (n: an integer more than 1) relation between a plurality of said examining units and said program (i.e., a facsimile reception job and a facsimile transmission job are processed by the controller 1 by selecting and controlling the printer engine 4, the scanner engine 3 and the facsimile board 5; Col. 4, lines 25-30).

Regarding claim 5, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), further comprising:

a storage unit in which the result of the examination is stored (i.e., a view



Art Unit: 2625

showing an example of "modes (job storage) designatable as job assignment start command" attribute held by the peripheral device; Col. 16, lines 1-5, fig. 24);

wherein

said examining unit determines whether the result of the examination that said examining unit is to perform is stored in said storage unit (i.e., a view showing "list of designatable file storage locations" attribute held by the peripheral device; Fig. 27), and uses, if the result of the examination that said examining unit is to perform is stored in said storage unit (i.e., a view showing "list of designatable default file storage locations" attribute held by the peripheral device; Fig. 28), the stored result of the examination (a "mode (execution guarantee) of the job assignment start command" shown in FIG. 25).

Regarding claim 6, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said activating unit (Driver software, see Abstract / Fig. 8) activates said examining unit in compliance with the relation configured in said configuration unit (i.e., a process flow for an execution guarantee job. This process flow is executed by the controller of the peripheral device, and, at the activation thereof, discriminates whether a job designated for execution guarantee remains unexecuted, and, if such unexecuted job is present, executes such job; Col. 22, lines 8-13, fig. 33).

Art Unit: 2625

Regarding claim 7, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said activating unit (Driver software, fig. 8), after activating said program (i.e., the attribute A can be acquired by the driver software, and, if acquisition is possible, the sequence proceeds to a step 86, but, if otherwise, the sequence is terminated; Col. 7, lines 15-20, fig. 8), terminates said examining unit (i.e., a step 86 requests the acquisition of the value of the attribute A to the peripheral device and acquires such value of the attribute A, whereupon the sequence is terminated; Col. 7, lines 25-30, fig. 8).

Regarding claim 9, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said examining unit (Controller 1, fig. 1) determines, if a device driver (The driver software inquiring the attribute information to the peripheral device, fig. 8) corresponding to said hardware resource can be successfully opened or is already opened (i.e., the driver software can set the attribute value at the job assignment (whether setting is possible 62), whether the driver software can change the attribute value for the already assigned job (whether change is possible 63), and whether the driver software can acquire the attribute value for the assigned job (whether acquiring is possible 64); Col. 6, lines 36-41, fig. 6), that said hardware resource exists, and determines that said hardware resource does not exist otherwise (i.e., the driver software is contained in the "attribute list supported by the job" acquired in the step 81, and, if such attribute A indicating a

Art Unit: 2625

function is contained, the sequence proceeds to a step 83, but, if otherwise, the sequence proceeds to a step 85; Col. 7, lines 8-13, fig. 8).

Regarding claim 10, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein,

in response to receipt of the normal value output by said examining unit in the determination as to whether said hardware resource exists that operates partially or entirely (i.e., a facsimile reception job and a facsimile transmission job are processed by the controller 1 by selecting and controlling the printer engine 4, the scanner engine 3 and the facsimile board 5; Col. 4, lines 25-30, fig. 1) as one of a printer, a copier, a facsimile machine, and a scanner, said activating unit activates said program corresponding to the one of the printer, the copier, the facsimile machine, and the scanner (i.e., a setting image for the "job process start mode" and a selecting image for the printer; Col. 14, lines 64-66, fig. 19).

Regarding claim 11, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said examining unit determines whether said hardware resource exists, and outputs, in response to a negative determination, a normal value and outputs (i.e., an attribute value "execution without guarantee" 2502; Col. 17, lines 65-67 and Col. 18, lines 1-5, fig. 25), in response to a positive determination, an abnormal value as the result of the examination (i.e., an attribute value "execution with guarantee" 2501 indicates that the execution of

Art Unit: 2625

the job is guaranteed. Thus, it indicates that, after the transmission of a command group instructing the job process to the peripheral device, if the peripheral device becomes incapable of the job process by a certain trouble (for example power supply breakdown in the peripheral device), the execution of the job is guaranteed after the trouble is resolved; Col. 18, lines 7-15, fig. 25).

Regarding claim 12, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

in response to receipt of the normal value output by said examining unit in the determination as to whether a hard disk drive exists (i.e., in fig. 21, respectively indicate "normal execution", "execution with job storage" and "storage area 8"), said activating unit mounts a RAM disk in compliance with the relation configured in said configuration unit (i.e., a step 137 stores the job data, received in succession to the command, in the RAM 22 or the DISK 30 shown in fig. 2, whereupon the sequence is terminated; Col. 9, lines 20-23, fig. 13).

Regarding claim 13, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said examining unit determines whether said hardware resource satisfies a predetermined performance requirement (i.e., an attribute value "start immediately" 305 indicates that the job process is started immediately with the job assignment. Thus the peripheral devices starts the job process without awaiting the input of the start command or the lapse of the predetermined time; Col. 11, lines 25-30, fig. 7), and outputs, in response to a

Art Unit: 2625

positive determination, a normal value and outputs (i.e., Normal Execution 2301 designatable as job assignment start command attribute held by the peripheral device; Fig. 23), in response to a negative determination (Interrupt Execution 2302, fig. 23), an abnormal value as the result of the determination (i.e., an attribute value "interruption execution" 2602 indicates the execution of the job by interruption; Col. 18, lines 32-33, fig. 26).

Regarding claim 14, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

in response to receipt of the normal value output by said examining unit in the determination as to whether a central processing unit satisfies a predetermined performance requirement (i.e., peripheral devices starts the job process without awaiting the input of the start command or the lapse of the predetermined time; Col. 11, lines 27-29), said activating unit activates said program having the relation with said examining unit (i.e., the process shown in FIG. 8 is executed when the user activates the driver software, wishing to execute printing; Col. 7, lines 35-45, fig. 8),

in response to receipt of the abnormal value output by said examining unit, said activating unit does not activate said program having the relation with said examining unit (i.e., a step 84 acquires a list of attribute values settable as the attribute A, from the peripheral device shown in FIG. 1. A step 85 discriminates whether the attribute A can be acquired by the driver software, and, if acquisition

Art Unit: 2625

is possible, the sequence proceeds to a step 86, but, if otherwise, the sequence is terminated; Col. 7, lines 20-25, fig. 8).

Regarding claim 15, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said activating unit (The process shown in FIG. 8 is executed when the user activates the driver software), in response to receipt of the normal value from said examining unit as the result of a memory check, activates said program related to said examining unit in said configuration unit (i.e., a view showing a memory map of a memory medium storing various data processing programs readable by a print system in which a print control apparatus is adaptable; Figs. 12, 17), and in response to receipt of the abnormal value from said examining unit as the result of the memory check, does not activate said program (i.e., if the step 149 identifies that the attribute value is not changeable, a step 152 executes a process of informing the driver software that the change of the attribute value has failed (an error response command transmission process), whereupon the sequence is terminated; Col. 10, lines 20-25, fig. 14).

Regarding claim 16, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said configuration unit (Fig. 2) configures the relation between said examining unit and one of a directory in which said program is located (The detailed configuration of hardware resources for a controller, fig. 2) and an upper

Art Unit: 2625

directory thereof (i.e., there may also be stored information for managing the programs stored in the memory medium, such as version information, author information etc., and information dependent on the operating system of the program reading side, such as icons for identifying the programs; Col. 25, lines 65-67 and Col. 26, lines 1-3);

said activating unit (The process shown in FIG. 8 is executed when the user activates the driver software, col. 7, lines 35-45), in response to receipt of the normal value as a result of the determination (i.e., Normal Execution 2301 designatable as job assignment start command attribute held by the peripheral device; Fig. 23), mounts the directory or the upper directory related to said examining unit (i.e., enable the information processing apparatus to designate, by a control command, the start mode selected by the user, such as a mode for starting the job processing; Col. 2, lines 9-12), and in response to receipt of the abnormal value as the result of the determination, mounts neither the directory nor the upper directory (i.e., the step 149 identifies that the attribute value is not changeable, a step 152 executes a process of informing the driver software that the change of the attribute value has failed (an error response command transmission process), whereupon the sequence is terminated; Col. 10, lines 20-25, fig. 14).

Regarding claim 17, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said examining unit (Controller 1, fig. 1) determines whether a

Art Unit: 2625

predetermined identifier (Driver software, see Abstract / Fig. 8) of said hardware resource (Hardware resources 26-30, fig. 2) satisfies a predetermined condition (i.e., peripheral devices starts the job process without awaiting the input of the start command or the lapse of the predetermined time; Col. 11, lines 27-30), outputs a normal value in response to a positive determination (i.e., Normal Execution 2301 designatable as job assignment start command attribute held by the peripheral device; Fig. 23), and outputs an abnormal value in response to a negative determination (i.e., an attribute value "interruption execution" 2602 indicates the execution of the job by interruption; Col. 18, lines 32-33, fig. 26).

Regarding claim 18, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said examining unit (Controller 1, fig. 1) determines whether an identifier stored in an SD card (i.e., a step 171 holds the assigned job and waits until a start command with password from the user interface 6; Col. 14, lines 7-8, fig. 16) matches an identifier of a slot to which the SD card is inserted (i.e., the sequence proceeds to a step 172 for comparing the password entered by the user in association with the start command with password and the "job process start password" set at the job assignment; Col. 14, lines 10-13, fig. 16), outputs a normal value in response to a positive determination (i.e., a step 173 discriminates whether the two passwords match in the comparison in the step 172, and, in case of matching, the sequence proceeds to a step 174; Col. 14, lines 14-16, fig. 16), and outputs an abnormal value in response to a negative



Art Unit: 2625

determination (i.e., otherwise, the sequence returns to the step 171; Col. 14, line 17, fig. 16).

Regarding claim 19, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said activating unit (The process shown in FIG. 8 is executed when the user activates the driver software, col. 7, lines 35-45) executes said program configured in said configuration unit as related to said examining unit in response to receipt of the normal value from said examining unit as the result of the determination (i.e., a view showing a memory map of a memory medium storing various data processing programs readable by a print system in which a print control apparatus is adaptable; Figs. 12, 17), and does not execute said program configured in said configuration unit as related to said examining unit in response to receipt of the abnormal value from said examining unit as the result of the determination (i.e., the step 149 identifies that the attribute value is not changeable, a step 152 executes a process of informing the driver software that the change of the attribute value has failed (an error response command transmission process), whereupon the sequence is terminated; Col. 10, lines 20-25, fig. 14).

Regarding claim 20, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said storage unit (Execution with Storing 2402, fig. 24) is a memory region

Art Unit: 2625

(i.e., the attribute values settable in the "mode (job storage) designatable for the job assignment start command" held by the peripheral device. This information is stored in the ROM 25 or the DISK 30 of the peripheral device; Col. 17, lines 33-37) that said examining unit can directly access (i.e., there are listed modes designatable when the job issuing software assigns the job assignment start command to the controller of the peripheral device; Col. 17, lines 37-40).

Regarding claim 21, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said activating unit (The process shown in FIG. 8 is executed when the user activates the driver software, col. 7, lines 35-45) is activated by an operating system that is activated after the power of the image forming apparatus is turned on (i.e., there may also be stored information for managing the programs stored in the memory medium, such as version information, author information etc., and information dependent on the operating system of the program reading side, such as icons for identifying the programs; Col. 25, lines 65-67 and Col. 26, lines 1-3).

Regarding claim 22, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said program (A program controlling the controller 1 shown in fig. 1, col. 4, lines 35-40) further comprises:

an application program used for image forming (i.e., job data 52 are prepared from the data outputted from an application program (for example a text

Art Unit: 2625

processing program, a table calculation program or an image data generation program); Col. 7, lines 43-46, fig. 17);

a control service program that manages said hardware resource used for the image forming (i.e., a controller 1 for controlling peripheral devices is provided with hardware resources as shown in fig. 2; Col. 4, lines 4-5);

an operating system (i.e., information dependent on the operating system of the program reading side, such as icons for identifying the programs; Col. 26, lines 1-3).

Regarding claim 23, claim 23 is the method claim of device claim 1. Therefore, method claim 23 is rejected for the reason given in device claim 1.

Regarding claim 24, Takeo '707 discloses a computer-readable storage medium storing a program (A memory medium storing various data processing programs, fig. 17) that causes a computer (PC 1, fig. 3) having a hardware resource (Fig. 2) and a program (processing programs, fig. 17) to function as:

a configuration unit (Fig. 2) in which a relation between said examining unit and said program is configured (The detailed configuration of hardware resources for a controller, fig. 2);

Takeo '707 does not explicitly show an examining unit that examines said hardware resource and determines whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the

Art Unit: 2625

examination; and an activating unit that activates said program having the relation with said examining unit based on the examination.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Isshiki '384. In particular, Isshiki '384 teaches an examining unit (CPU 1, fig. 2) that examines said hardware resource (i.e., The CPU 1 controls access to various devices connected to a system bus 5 on the basis of a control program stored in the program ROM 2A or a control program which is stored in a hard disk (HD) 3 and loaded onto a RAM 4 in activation; Page 3, para [0045], fig. 2) and determines whether said hardware resource exists (i.e., the task activates a hardware check program to check whether hardware is abnormal; Page 3, para [0068]), and output, in response to a positive determination, a normal value and output (i.e., hardware exists, the task initializes various devices; Page 4, para [0070]), in response to a negative determination, an abnormal value as the result of the examination (i.e., the task shifts to step S504 to display abnormal hardware, and ends a series of processes; Page 3, para [0069]); and an activating unit (the boot processing task, page 3, para [0068]) that activates said program having the relation with said examining unit based on the examination (i.e., the task initializes various devices on the main body 1000 and the task executes various initialization operations of a basic OS which will run on the CPU 1, and activates the basic OS program; Page 4, para [0070] - [0072], fig. 5).

In view of the above, having the system of Takeo and then given the well-established teaching of Isshiki, it would have been obvious to one having

Art Unit: 2625

ordinary skill in the art at the time of the invention was made to modify the system of Takeo as taught by Isshiki to include: an examining unit that examines said hardware resource and determines whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination; and an activating unit that activates said program having the relation with said examining unit based on the examination, since the modification would ensure activating unit can efficiently check the hardware status and activate only programs that fit the image forming apparatus.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamanaka et al. (US 5,712,713) discloses image forming apparatus having automatic edit timing.

Jail et al. (US 7,477,948) discloses apparatus and methods for precompiling program sequences for wafer processing.

Yamashita et al. (US 5,640,467) discloses image forming apparatus which monitors hardware errors of a controller of a copying-inhibited function.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2625

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen H. Nguyen whose telephone number is (571)270-1229. The examiner can normally be reached on 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KING Y. POON can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

/Allen H. Nguyen/  
Examiner, Art Unit 2625